

Exhibit C

REDACTED

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
Index No. 13 CV 1432

3 - - - - -x
4 WILLIAM HENIG, on behalf of himself
and all others similarly situated,

5
6 Plaintiff,

7 -against-

8
9 QUINN EMANUEL URQUHART & SULLIVAN,
LLP and PROVIDUS NEW YORK, LLC,
10 Defendants.

11 - - - - -x
12 PRIVILEGED - CONFIDENTIAL
13 SUBJECT TO PROTECTIVE ORDER

14
15 July 3, 2014
16 9:43 a.m.

17
18 Deposition of WILLIAM HENIG,
19 taken by Defendants, pursuant to
20 Notice, held at the offices of Quinn
21 Emanuel Urquhart & Sullivan, LLP,
22 51 Madison Avenue, New York, New York,
23 before Kathleen Piazza Luongo, a
24 Notary Public of the State of New
25 York.

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W I L L I A M H E N I G, called as a
witness, having first been duly sworn, was
examined and testified as follows:

EXAMINATION BY MR. GREENWALD:

Q. Please state your name for the
record.

A. William Henig.

Q. What is your address?

[REDACTED]

Q. Good morning, Mr. Henig.

A. Good morning.

Q. You are a lawyer; right?

A. Correct.

Q. Have you ever been deposed
before?

A. No, I haven't.

Q. So at this deposition I'm going
to ask questions, you answer the
questions, we have a court reporter,
please wait until I complete my question
before you start your answer.

A. Okay.

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2 Q. And I'll do my best for you to
3 wait for you to complete your answer
4 before I ask the next question.

5 A. Okay.

6 Q. If I ask a question that you
7 don't understand please ask me to clarify
8 or rephrase the question and I'll
9 endeavor to do so.

10 A. Okay.

11 Q. Is that understood?

12 A. Yes.

13 MR. KIRSCHENBAUM: Marc, is
14 this deposition being recorded by any
15 means other than the stenographer?

16 MR. GREENWALD: No.

17 MR. KIRSCHENBAUM: Okay. Thank
18 you.

19 Q. So if you answer a question
20 that I ask without asking me to rephrase
21 or clarify I'm going to assume that you
22 understood the question; is that fair?

23 A. Yes, it is.

24 Q. When did you graduate from law
25 school?

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2 A. May 2005.

3 Q. And you took the Bar after
4 that?

5 A. Yes.

6 Q. The New York Bar?

7 A. Yes.

8 Q. And you passed?

9 A. Yes.

10 Q. And you became licensed in the
11 State of New York?

12 A. Yes.

13 Q. Why did you do that?

14 A. In order to practice law in the
15 State of New York you must go through the
16 licensing process.

17 Q. And then have you kept your
18 license since then?

19 A. Yes.

20 Q. Why did you keep your license?

21 A. That is my active career and
22 source of income.

23 Q. What does it mean to practice
24 law?

25 MR. KIRSCHENBAUM: Objection.

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2 I were to be using my resume now I would
3 not put it on my resume.

4 Q. It has been on your resume;
5 right?

6 A. It has been on my resume when I
7 applied to other projects with Providus,
8 maybe some other agents, head hunting
9 firms I put down.

10 Q. So you applied with other
11 agencies after you worked at Quinn
12 Emanuel?

13 A. UM, I actually don't believe I
14 did. There was one project that I did
15 with Providus that Kush Bambrah,
16 obviously you know who he is, but he was
17 the headhunter, after I was dismissed --
18 after I was terminated from the Quinn
19 Emanuel project Kush Bambrah offered me a
20 paper project that was done with Hess
21 Oil, it was just for a week, and after
22 that I never applied for another project.

23 Q. And you said you applied with
24 other providers?

25 A. Prior to -- prior to, um, the

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2 A. Yes.

3 Q. And you've produced this copy
4 in discovery in this lawsuit; correct?

5 A. Yes.

6 Q. And is everything in this
7 resume accurate?

8 A. Yes.

9 Q. Why did you create this resume?

10 A. I created it for the purposes
11 of applying for document review positions
12 after I was employed with Quinn Emanuel
13 as a document reviewer.

14 Q. Now, when you applied to
15 Providus to work on the Quinn Emanuel
16 document review project you were aware
17 that they were looking for attorneys;
18 correct?

19 MR. KIRSCHENBAUM: Objection.

20 A. That is, um, that was -- that
21 was made very explicit in the -- in the
22 job offer so, yes, I was aware.

23 Q. And did you have an
24 understanding of why Quinn Emanuel and
25 Providus wanted attorneys for the

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2 project?

3 MR. KIRSCHENBAUM: Objection.

4 A. It was not -- obviously it was
5 not explicitly explained in the job offer
6 but being that they were searching for
7 what they called attorneys I submitted my
8 resume.

9 Q. And you are an attorney; right?

10 A. That's correct.

11 Q. You completed conflict checks
12 with Quinn Emanuel; right?

13 A. Yes.

14 Q. What is a conflict check?

15 A. A conflict check is required
16 by the attorney rules of ethics and to
17 ensure that there is no conflict of
18 interest present with any of the
19 attorneys that are -- or the law firms
20 that are representing our client.

21 Q. What is a conflict of interest?

22 MR. KIRSCHENBAUM: Objection.

23 A. Conflict of interest is a very
24 lengthy -- requires a very lengthy
25 definition; but I assume for, I mean, is

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2 this an open-ended question, Mr.

3 Greenwald?

4 Q. You should answer it as best
5 you can.

6 A. In the practice of law in
7 New York State a conflict of interest is
8 present when an -- when an attorney has
9 adverse interests -- has, um, opposing
10 interests to his clients and one of the
11 things that can be in a conflict of
12 interest is the attorney has represented
13 an opposing -- has represented an
14 opposing client or has worked for an
15 opposing law firm.

16 Q. And you learned about conflicts
17 of interest in law school; right?

18 A. Yes.

19 MR. GREENWALD: Please mark
20 this as Exhibit 2.

21 (Whereupon, the above-mentioned
22 document bearing Bates numbers
23 00212003 - 004 was marked Exhibit 2
24 for identification.)

25 Q. I'm showing you what has been

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2 marked as Exhibit 2.

3 Do you recognize this document?

4 A. Yes.

5 Well, actually let me think.

6 Let me just look it over, please.

7 Q. Of course.

8 (Witness peruses Exhibit 2.)

9 A. Yes, I believe I vaguely
10 remember it. I'm not sure if I filled it
11 out when I was interviewed or when I was
12 applying online. But seeing a scan --
13 seeing a signature, that looks like a
14 scan from my machine, I have a scanner,
15 so I think I did this from home, pretty
16 sure.

17 Q. Exhibit 2 is a document you
18 created?

19 A. It was the blank template was
20 provided to me when I was applying. To
21 the best of my recollection I filled this
22 out at home and, you know, based on to
23 the, uh, on the boilerplate template.

24 Q. You provided the narrative
25 information contained in the document;

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2 correct?

3 A. Yes.

4 Q. And you signed it on or about
5 August 12, 2012; correct?

6 A. Yes.

7 Q. That's your signature appearing
8 on page 2 of the document?

9 A. Yes.

10 Q. And you checked the box
11 "attorney" under "position" on page 1;
12 correct?

13 A. Yes.

14 Q. That's the position you
15 understood you were going to be working
16 as a contract lawyer; correct?

17 A. Um, that's what it was called,
18 yes, but I could also add that, you know,
19 I was going to be -- it was for -- I mean
20 this looks -- I mean the way this was set
21 up it makes it look like it's some sort
22 of, um, that it's used for every single
23 person applying for attorney at Quinn
24 Emanuel and, you know, I went in with the
25 knowledge knowing that a document

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2 reviewer is not a full attorney.

3 Q. What do you mean by "full
4 attorney"?

5 A. Was not really an attorney
6 position at Quinn Emanuel.

7 Q. You knew that Quinn wasn't
8 going to be your employer; right?

9 MR. KIRSCHENBAUM: Objection.

10 A. Actually I did not know until --
11 until, um, after back and forth with
12 Providus, I wasn't aware of that.

13 Q. I don't understand what you are
14 saying when you said you knew that you
15 weren't going to be a full attorney.

16 A. I knew I was going to be a
17 document reviewer.

18 Q. But you understood that you had
19 to be a lawyer to be a document reviewer;
20 right?

21 MR. KIRSCHENBAUM: Objection.

22 Asked and answered.

23 A. I -- I knew I was -- that that
24 was the prerequisite for them to even
25 review your resume, you had to be, the

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2 job offer said only -- only licensed
3 attorneys can apply.

4 Q. So what's the distinction you
5 are drawing about full attorney or not
6 full attorney?

7 A. Um --

8 MR. KIRSCHENBAUM: Objection.

9 A. Yeah, it's, uh, the people who
10 are applying for these positions are
11 aware -- fully aware that they are not
12 applying for a full what's called
13 associate position in Quinn, in Quinn
14 Emanuel, it's a document review
15 position.

16 Q. So that has to do with chances
17 for -- chances for advancement within the
18 firm; correct?

19 A. It's known full well that there
20 is no chance for advancement in the firm
21 from a document review position.

22 Q. Document reviewers are
23 sometimes hired as go from agency
24 employees to Quinn Emanuel employees;
25 right?

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2 just wanted to clarify that.

3 MR. GREENWALD: I'm not saying
4 there was anything improper. I just
5 asked the question to reflect the
6 fact.

7 MR. KIRSCHENBAUM: Reflect that
8 there was no question pending.

9 CONTINUED EXAMINATION BY MR. GREENWALD:

10 Q. I'm showing you what has been
11 marked as Exhibit 3?

12 A. Yes.

13 Q. Do you recognize this document?

14 A. Um, there are several documents
15 that I signed but, uh, is this the
16 contract? Yes, I do -- I do remember it.

17 Q. What is Exhibit 3?

18 A. I believe it's the contract
19 that set the terms of my employment with
20 Quinn Emanuel.

21 Q. Okay.

22 A. Even says agreement in the
23 first two words.

24 Q. On the second page of the
25 document, is that your signature?

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2 A. Yes.

3 Q. Did you sign this contract on
4 or about the fifteenth day of August,
5 2012?

6 A. Yes.

7 Q. Is that your handwriting on the
8 third page with emergency notification
9 information?

10 A. Yes.

11 Q. Is that your signature on the
12 fourth page regarding temporary employee
13 acknowledgment form?

14 A. Yes.

15 Q. Is that your signature on the
16 sixth page regarding the procedures for
17 document review project?

18 A. Yes.

19 Q. As well as your initials in the
20 middle of the sixth page?

21 A. Yes.

22 Q. So going back to my original
23 question, were you told that you were
24 going to be performing legal services?

25 A. May I have a moment to review

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2 this?

3 Q. Yes.

4 (Witness peruses Exhibit 3.)

5 MR. KIRSCHENBAUM: Just to be
6 clear, are you asking him if this
7 document refreshes his recollection
8 or are you just asking him the same
9 question over again?

10 MR. GREENWALD: Same question.

11 MR. KIRSCHENBAUM: Then I'm
12 going to object that it was asked and
13 answered.

14 A. Okay. So my question here with
15 Providus, in signing the written contract
16 with Providus, um, there is a, um, there
17 is language I see on the second page, it
18 says you acknowledge that the legal
19 services you provide, so it's kind of
20 buried in the sentence there, um, so to
21 the extent that this contract states was
22 I aware of? I guess the contract speaks
23 for itself.

24 Q. You were told that you would be
25 performing legal services on this

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2 project; correct?

3 A. To the extent that the contract
4 states it.

5 Q. And you signed the contract;
6 right?

7 MR. KIRSCHENBAUM: Asked and
8 answered.

9 Q. And it doesn't just state it
10 buried in the second page, what's the
11 first sentence of the contract say?

12 A. Oh, okay, "The terms and
13 conditions of which you perform legal
14 services for our client," and I'm going
15 to object to the language there because
16 Quinn Emanuel was not our client, [REDACTED]

17 [REDACTED]
18 [REDACTED] is our client, so it's not
19 even a correct, properly drafted
20 contract.

21 Q. You were informed in advance of
22 doing the work that you were performing
23 legal services; correct?

24 MR. KIRSCHENBAUM: Objection as
25 the question being asked probably for

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2 the fifth or sixth time.

3 A. As I said, to the extent that
4 it's written here in the contract.

5 Q. And so your answer before when
6 you said, no, I wasn't informed was
7 wrong; correct?

8 A. Not before -- not in any other
9 manner.

10 Q. What do you mean "not in any
11 other manner"?

12 A. No, I'll stand by that. I mean
13 it was, I was given a contract and I
14 signed it.

15 Q. And the contract said you will
16 perform legal services; correct?

17 A. It says that, yes.

18 Q. Right there in the first
19 sentence; right?

20 A. It does.

21 Q. And you knew that before you
22 started; right?

23 A. Um, okay.

24 MR. KIRSCHENBAUM: Mr.

25 Greenwald, please stop asking the

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2 same questions multiple times. One
3 more time I'll just instruct him not
4 to answer.

5 A. Okay. I started on the
6 fifteenth, and the start date, is there a
7 document that can refresh my -- I think I
8 might have started the day before I even
9 signed it possibly.

10 I don't recall the exact start
11 date, but at some point I was provided
12 with this contract and I signed it.

13 Q. So you were aware of the terms
14 of the contract; correct?

15 A. Um, yes.

16 Q. Including the first sentence;
17 right?

18 A. I read through it, I gave a
19 peripheral reading through it. And was I
20 an expert in the contract? No, but I
21 read it and I signed it.

22 Q. You were also aware of the
23 hourly rate you would be paid for your
24 services; correct?

25 A. Just, if I could just have a

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2 and I've never exceeded the limit, so no,
3 yes, so they do let me keep it.

4 Q. So what happened on your first
5 day on this document review project?

6 A. Okay, so going back two years,
7 um, walked into -- I walked into the, um
8 -- into, okay, there was a place called
9 the penthouse in the building on the
10 corner of I think it was right across
11 from Madison Park, it was on Fifth and
12 23rd, I don't remember the exact address,
13 and, um, we went to the very top floor,
14 there was a large review room with lots
15 of computers and people just filed in and
16 sat down and eventually Kush Bambrah and
17 attorneys from Quinn came in and, um, I
18 think they gave us our assignments at
19 that point and I was -- or I'm not sure
20 if the training was first or they gave us
21 our assigned rooms, I don't remember
22 which.

23 Nonetheless, then we were
24 given -- okay, I think it was the
25 training first and then we were given our

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2 assigned stations and our e-mail
3 addresses and they told us, okay, we're
4 waiting for the docs to load and by that
5 point it was after lunch and the docs
6 still didn't -- I don't think they loaded
7 at all the first day because it was
8 backed up and then the next day, and we
9 still stayed, I think we were let go the
10 first day because the docs weren't ready,
11 they let us go around five or six and the
12 second day I think the documents were
13 ready and we started reviewing through
14 the documents on Relativity.

15 Q. What kind of training did you
16 have?

17 A. It was a few hours. They gave
18 a brief overview of the litigation, they
19 explained to us, an attorney from Quinn
20 Emanuel explained to us, um, explained
21 about, um, [REDACTED] and
22 other, um, issues pertaining to that
23 which really I didn't really have any
24 background in, I still didn't really
25 understand it after the brief training;

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2 and then, um, they gave us some training
3 materials and guide books which we were
4 to reference during our review and then
5 we went to our stations and were told to
6 start.

7 Q. Let me step back just in time.
8 I don't think I asked how you
9 found out about the document review
10 project in order to apply.

11 A. I received an e-mail blast from
12 Providus, I guess they had my name, I
13 don't know how, maybe at some point they
14 had received my -- I had gone to their
15 website and put my e-mail address in and
16 geographical information and after
17 receiving that blast I applied.

18 Q. And then were you interviewed
19 live and in person by anyone?

20 A. Yes, by a gentleman named Ken
21 Tanzer.

22 Q. What happened at that
23 interview?

24 A. It was very congenial. He
25 glanced at my resume and I think it was

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2 what you already got.

3 I will allow you to ask the
4 question one more time. If you ask
5 it again after that I will instruct
6 him not to answer and call the Court.

7 A. I don't know what was done
8 behind closed doors outside of my
9 presence from the time I gave the
10 interview and from the time he set eyes
11 on my paperwork until -- leading up until
12 the time I received the you are hired
13 e-mail.

14 So from your question, yes,
15 there is definitely much that could have
16 been done in regards to whether -- in
17 regards to the substance of this
18 litigation.

19 Q. Substance of which litigation?

20 A. This lawsuit against Quinn
21 Emanuel, my lawsuit against Quinn
22 Emanuel.

23 Q. You said on the first day you
24 were given training about Quinn Emanuel's
25 client's lawsuits; correct?

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2 A. Yes.

3 Q. And showing you what has been
4 marked as Exhibit 5, is this one of the
5 documents that you were given as part of
6 that training?

7 A. Yes.

8 Q. And was a presentation made by
9 a Quinn Emanuel associate regarding the
10 cases?

11 A. Yes, by PowerPoint and by
12 lecture.

13 Q. Now, you see that this
14 document, Exhibit 5, is labeled at the
15 bottom privileged and confidential
16 attorney work product?

17 A. Yes.

18 Q. Every page, right?

19 A. Yes.

20 Q. Did you have an understanding
21 of what that meant when you saw this back
22 in August of 2012?

23 A. Yes, I did.

24 Q. What does that mean?

25 A. It means it cannot be divulged

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2 pad and we will mark it as an exhibit.

3 MR. KIRSCHENBAUM: Here's a
4 pad.

5 MS. SUTTON: We can get you a
6 full legal pad in case you need it.

7 THE WITNESS: Can I write on
8 this?

9 MS. SUTTON: If we're going to
10 mark it as an exhibit it would seem
11 easier to get you a full legal pad.

12 THE WITNESS: Okay.

13 (Whereupon, a brief recess was
14 taken.)

15 THE WITNESS: What's the
16 question?

17 MR. GREENWALD: Read back the
18 question, please.

19 (The requested portion of the
20 record was read.)

21 A. Oh, okay. Yes, there is.

22 Q. And what is that?

23 A. There is a list of names and
24 cases that I, actually and these tables
25 and chart, and there is a tag table that

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2 was referenced to extensively. In fact
3 these documents were almost like our
4 bible. There were a bunch of others
5 given but this was the first of them and
6 we would refer to them exhaustively in
7 tagging.

8 Q. And so it's page 21 of Exhibit
9 5 that you are referring to?

10 A. Yes.

11 Q. And your contention is it's
12 page 21 of Exhibit 5 --

13 A. Oh, I'm sorry, I'm going to
14 rephrase.

15 Q. Okay.

16 A. It was not only page 21. There
17 were other tables that you have here, um,
18 and list of names that we would review.
19 So 21 is part of it.

20 It's page 23, 24, I mean
21 wherever there were charts we would -- we
22 would do it. Page 21 was definitely very,
23 uh, very useful chart.

24 Q. And so let's start with page
25 21.

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2 A. Okay.

3 Q. Your contention is page 21 told
4 you not to use any judgment?

5 MR. KIRSCHENBAUM: Objection.

6 A. Did page 21 tell us not to use
7 judgment? I -- I -- we were trained, the
8 main expectation once we were in the
9 thick of everything was to tag responsive
10 and nonresponsive and, um, and the basis
11 for that was based on what the -- these,
12 uh, what the key trigger words and the
13 sources of the documents.

14 Q. There is an explanation next to
15 the word "responsive," right?

16 A. There is some language there.

17 Q. Did you read that at the time?

18 A. Yes.

19 Q. It doesn't say look for names
20 and if the name appears put it in the
21 responsive category, does it?

22 A. We were not trained to, uh, to
23 know what all the documents were by rote.
24 We would have to constantly refer to just
25 to see if a -- if a keyword was there.

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2 Q. My question is the explanation
3 of responsive contained on 21.

4 A. Yes.

5 MR. KIRSCHENBAUM: Is that a
6 question or a statement?

7 Q. I'm focusing you on that. Are
8 you looking at that?

9 A. Yes.

10 Q. Does that say anything about
11 looking for the presence of a name and
12 marking it responsive if the name is
13 there?

14 A. There it does not say that.

15 Q. You would agree with me that
16 the explanation is use this tag for
17 documents responsive to Defendant's
18 request for production limited by [REDACTED]
19 objections; correct?

20 A. That's what it says there.

21 Q. And to do that you would have
22 to understand what the Defendant's
23 requests for production were and what
24 [REDACTED] objections are; right?

25 MR. KIRSCHENBAUM: Objection.

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2 A. No.

3 Q. No?

4 A. We did not have to understand.

5 Q. You were given the Defendant's
6 requests for production; right?

7 A. You are talking about the
8 discovery demands or what's in this
9 training material?

10 Q. You were given Defendant's
11 requests for production; right?

12 MR. KIRSCHENBAUM: I believe he
13 asked you for a clarification.
14 Please answer.

15 A. Do you have an example of that?
16 Because I don't -- I don't completely
17 recall.

18 Q. So you don't recall whether or
19 not you were given the requests for
20 production?

21 A. Um, if you don't mind, is a
22 request for production the same as a
23 discovery demand, like a document demand?

24 Q. Were you given document
25 demands?

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2 A. We were definitely given a lot
3 of pleadings, I recall. It's possible we
4 were given, I don't remember. If there
5 is anything that you have that would
6 refresh my recollection that would
7 assist.

8 Q. Why were you giving pleadings
9 if you were just looking for keywords and
10 documents?

11 MR. KIRSCHENBAUM: Objection.

12 A. I think they gave us copies of
13 what they, uh, that would pertain to the
14 litigation, but we didn't have to use it
15 at all.

16 Q. You spent time reading them;
17 right?

18 A. I glanced over them.

19 Q. You billed the client for
20 reading them; right?

21 MR. KIRSCHENBAUM: Objection.

22 A. I don't think so, no. Billing
23 the client, this job here, they expected
24 us to tagging.

25 MR. KIRSCHENBAUM: Is there a

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2 Q. So were the tables on page 21
3 and the following pages your bible in
4 doing the review?

5 A. All the tables that were given
6 to us, and there were many of them, and
7 the list of names were very useful, yes,
8 they were.

9 Q. So how can you tag something
10 responsive or not responsive unless you
11 know what the requests for production
12 are?

13 A. Because responsive documents
14 things were -- responsive documents were
15 -- there were often keywords that were
16 highlighted in the Relativity that made
17 it obvious they were responsive.

18 Things that were not responsive,
19 it was very clear that they were, again,
20 we were given very high expectations to
21 plug through lots of documents in a
22 limited amount of time.

23 It came to the point they
24 wanted us to do almost one document a
25 minute, and things that were not

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2 responsive were clearly publicly
3 available publications that were given
4 to [REDACTED] and people in the industry.
5 They were very esoteric, um, charts and
6 graphs. There were hundreds and hundreds
7 of those that someone without any
8 preexisting knowledge or with a three-
9 hour training could not possibly
10 decipher, um.

11 Things that were tagged as
12 responsive often had -- were -- came from
13 e-mails and the list of names that you
14 gave us, or to those people, um, and/or
15 were involved with the, uh, cross-
16 reference with these, um, with these
17 charts.

18 Q. A computer could look for
19 search trends; right?

20 A. I suppose it could, yes.

21 Q. And it did, it gave you
22 documents that were selected based on
23 search trends; right?

24 A. Honestly, I have no idea how
25 they were selected. At the beginning of

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2 a day, of a shift, we would be given a
3 list of batches, I believe, and you would
4 just randomly select one and then the
5 documents would pop up on Relativity.

6 I don't know how they were
7 preselected. I have no idea.

8 Q. And the documents, the computer
9 could highlight terms in the document;
10 right?

11 A. It frequently did, yes.

12 Q. So whether or not a term was
13 present in a document computer, you
14 already knew that before you even looked
15 at it; right?

16 A. Yes.

17 Q. So your job must have been
18 something different than determining
19 whether or not there was a term in the
20 document; right?

21 MR. KIRSCHENBAUM: That's a
22 statement. Are you asking a question?

23 Q. Right.

24 A. Is that a question?

25 Q. Yes.

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2 A. Often it wasn't.

3 Q. Why not?

4 MR. KIRSCHENBAUM: Objection.

5 A. Often the computer already
6 pretty much, right, was able to highlight
7 the -- the, uh, responsiveness of the
8 document and by immediately visualizing
9 the highlighted, I think it was yellow
10 highlighting, I would click responsive.

11 Q. But the computer didn't put it
12 in the responsive category, you would
13 have to look at the document and look at
14 the yellow highlighted terms to make some
15 kind of determination; right?

16 MR. KIRSCHENBAUM: Objection.

17 A. Um, it did not take much
18 thought.

19 Q. So you were bored by the job?

20 A. Extremely.

21 Q. So why didn't you quit?

22 A. As I stated, I needed money, as
23 did every other human being.

24 MR. KIRSCHENBAUM: If that was
25 the reason I'd quit this deposition.

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2 Q. You were also reviewing for
3 besides responsiveness and not
4 responsiveness you were reviewing for
5 privilege; right?

6 A. Yes, I was.

7 Q. What is privilege?

8 MR. KIRSCHENBAUM: Objection.
9 Calls for a legal conclusion.

10 A. Do you want me to say what --
11 are you asking me to educate you about
12 what privilege is or do you want to know
13 what they decided what we were supposed
14 to tag as privileged?

15 Q. What is privilege?

16 MR. KIRSCHENBAUM: Objection.

17 A. Privilege is in the -- I mean,
18 outside of this project my knowledge of
19 privilege was things that cannot be
20 divulged to anyone except the attorney
21 and the client.

22 Q. You were reviewing [REDACTED]
23 internal documents; right?

24 A. They were not all internal,
25 many of them were.

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2 Q. You were reviewing [REDACTED]

3 internal documents; right?

4 A. Of the documents I reviewed,
5 yes, it did include [REDACTED] internal
6 documents.

7 Q. Who else's documents did you
8 review?

9 A. There were many publicly
10 available documents, as I stated, that,
11 again, I don't have extensive knowledge.
12 My expertise is in family -- New York
13 State family/matrimonial law.

14 Many of the documents were
15 publicly available to people in the
16 [REDACTED]
17 industry.

18 Q. They were found within [REDACTED]
19 possession --

20 A. Yes.

21 Q. -- and they were being reviewed
22 to determine whether they would be turned
23 over as part of the lawsuit; right?

24 A. Yes.

25 Q. And one of your jobs that you

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2 understood was to determine whether or
3 not the documents that you were reviewing
4 were privileged; right?

5 A. Yes.

6 Q. And what process did you go
7 through to determine that?

8 A. Many of the documents had --
9 had titles, like such as this one,
10 privileged and confidential, and they
11 were highlighted and that was a quick
12 giveaway.

13 When there was e-mails one of
14 the first things I would check was
15 whether it was from the list of attorneys
16 that was disseminated to the document
17 reviewers, one of those names, um, came
18 up, I would immediately tag it as
19 privileged.

20 Q. And what about if you saw a
21 document that was written by a lawyer but
22 sent outside of [REDACTED]?

23 MR. KIRSCHENBAUM: Objection.

24 A. I was always was erred on the
25 side of caution and I would tag those as

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2 Let me read it first, please.

3 (Witness peruses Exhibit 6.)

4 A. Okay. Okay. Do I remember
5 receiving this?

6 Q. Yes.

7 A. Honestly, I don't remember.

8 Q. You were on the first level
9 review team; correct?

10 A. Yeah.

11 Q. And you knew who Andrew
12 Kutscher was; right?

13 A. Uh, I think with he was one of
14 -- I think, I honestly don't remember.
15 But I -- I don't remember. I really
16 don't.

17 Q. And do you see the instructions
18 he gave at 1:29 p.m.?

19 A. Yes. It's possible I wasn't
20 there. I mean, I would have to check if
21 that was a Jewish holiday, if it was then
22 I got it, you know, I got it when I came
23 back a few days later.

24 I mean, if it was sent then I'm
25 not going to dispute that I received it

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2 because I was on the e-mail list.

3 Q. And you received e-mail
4 instructions about the review from time
5 to time; right?

6 A. Yeah.

7 Q. And do you see that it says "if
8 you see and know that priv has been
9 broken you may now reframe from tagging
10 priv"; do you see that?

11 A. Oh, okay.

12 Well, obviously they had to
13 make that -- they had to specify that.

14 Q. Did you understand what that
15 meant?

16 A. Um, I really don't remember
17 this e-mail, so from reading it now, um,
18 I do understand what it means.

19 Q. What does it mean?

20 A. What he says, he explains
21 himself. He says that if it is sent to
22 someone outside, it went outside to the
23 [REDACTED] or [REDACTED] or their attorneys and
24 consultants you can skip the priv tag, so
25 that's what it means.

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2 Q. That would mean that the
3 document would have the name of the
4 attorney in it; right?

5 A. It should.

6 Q. And yet you are not going to
7 mark it privileged despite the presence
8 of the name of the attorney; right?

9 A. That's what he wanted, that's
10 what he instructed, but it doesn't mean
11 that I got batches of documents that
12 pertained to these instructions.

13 Q. Did you follow the
14 instructions?

15 A. I always followed the
16 instructions to the best of my ability.
17 But, again, there's instructions and
18 often these little e-mail blasts but, um,
19 from the e-mails -- from the Relativity
20 documents it wasn't always so -- it
21 wasn't always made -- I'm just gonna --
22 it wasn't always -- we didn't always get
23 things that fell under what he was --
24 what he was talking about.

25 Q. But if you saw a document that

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2 asking me how I, really I just went by
3 if -- if it was outside [REDACTED] or the [REDACTED]
4 you have to go by what was at the end of
5 their e-mail address, so it doesn't
6 require much analysis.

7 Q. It would require some analysis
8 then?

9 MR. KIRSCHENBAUM: Objection.

10 A. Just to read an e-mail address.

11 Q. And know whether or not they're
12 a consultant; right?

13 A. There's no way someone could
14 know that the person is a consultant
15 unless there is a list of names given.
16 If that's not given someone who have to
17 ask a supervisor.

18 Q. You were encouraged to ask
19 supervisors if you had questions; right?

20 A. I did frequently and frequently
21 they didn't know themselves.

22 Q. And so there were times that
23 you marked documents I can't tell whether
24 or not this is privileged; right?

25 A. A few times.

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2 I did read that in the charts and it said
3 to use your discretion, but it was never a
4 big, uh, focus.

5 Q. Just going back to Exhibit 5.

6 A. Exhibit 5, yes?

7 Q. And the chart on page 19 --
8 sorry, not 19 -- the chart on page 21.

9 A. Um hum.

10 Q. That's what you described as
11 one of your bibles; right?

12 A. Definitely was useful.

13 Q. It asked you to tag documents
14 as key docs; right?

15 A. It definitely see it listed
16 there.

17 Q. What was a key doc?

18 A. Honestly, I don't know.

19 Q. But you got instructions on it,
20 right?

21 A. It was not reasonably expected
22 for us to use that tag. Quite honestly,
23 frankly I don't believe I ever did.

24 Q. What do you mean it was not
25 reasonably expected for you to use that

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2 CONTINUED EXAMINATION BY MR. GREENWALD:

3 Q. Okay. Are you done being
4 coached by Mr. Kirschenbaum?

5 A. I wouldn't call it coaching.

6 Q. What would you call it?

7 MR. KIRSCHENBAUM: Who cares.

8 If you have a problem with the
9 Federal Rules you might want to take
10 it up with the drafters.

11 Q. Did you ever tell any
12 supervisors that you didn't have time to
13 follow the instructions in your tagging
14 bible?

15 A. No.

16 Q. So your supervisors thought you
17 were following the instruction to tag key
18 docs sparingly but if you saw one to tag
19 it; right?

20 A. I don't know what was in their
21 minds.

22 Q. Did you give them any reason to
23 believe you weren't following the
24 instructions you were given?

25 A. No.

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2 Q. Did anyone tell you not to
3 follow the instructions you were given?

4 A. Any other attorneys or --

5 Q. Anyone on the Quinn Emanuel --

6 A. Absolutely.

7 Q. Who told you not to follow the
8 instructions?

9 A. They didn't say don't follow
10 the instructions, but there were
11 experienced reviewers there who said they
12 had their own little system, not that I
13 followed it, but, you know, people had
14 their little ways of maybe manipulating
15 things.

16 Q. Who told you that --

17 MR. GREENWALD: Well, strike
18 that.

19 Q. Did anyone tell you not to
20 follow the instructions?

21 A. No.

22 Q. So now you said people told you
23 that they had ways of manipulating
24 things?

25 A. There was one reviewer that

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2 level review team. I'm not sure which
3 documents were being reviewed.

4 Q. Maybe your documents were in a
5 queue and were going to get reviewed
6 later; right?

7 A. Possibly, but it would have
8 been nice to know whether I was doing
9 something right or wrong.

10 Q. Did you ask your supervisors?

11 A. I tried to ask the supervisors
12 in the room occasionally questions and
13 quite often they were as clueless as I
14 was.

15 Q. Who did you ask questions of?

16 A. There was a gentleman, I don't
17 remember these names, there was a guy
18 named -- I can't remember his name -- I
19 have to, I'm sorry, I have to get back to
20 you. I'd have to really --

21 Q. What did you can ask him?

22 A. I would ask is this responsive
23 or nonresponsive and the person would say
24 I'm not sure but I usually hit responsive
25 on those types of documents.

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2 Q. And did you ask a follow-up
3 question?

4 A. No.

5 Q. Did you explain why you were
6 not sure whether or not it was responsive
7 or not responsive?

8 A. I didn't say the reason, I just
9 wasn't sure.

10 Q. And did you learn anything from
11 the conversation with the supervisor?

12 A. No.

13 Q. Could you have asked a
14 follow-up question: All right, well, my
15 concern was about whether it had to do
16 with [REDACTED]?

17 MR. KIRSCHENBAUM: Objection.

18 That's a hypothetical question.

19 A. I didn't do that because I
20 wasn't -- I didn't understand -- I wasn't
21 knowledgeable enough about any of this, I
22 was really just plodding along in the
23 dark.

24 Q. Now, if you look at Exhibit 5
25 on the last page?

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2 A. Exhibit 5 on the last page,
3 yeah.

4 Q. You were provided with a lot of
5 documents; right?

6 A. Yes.

7 Q. You were provided with
8 Complaints; right?

9 A. I was provided with whatever
10 was listed there. Um, yeah, Complaints
11 are listed.

12 Q. Did you read them?

13 A. I think I glanced over them.

14 Q. Why did you only glance over
15 them?

16 A. Um, it says "for your
17 information" so it wasn't reasonably --
18 it wasn't required to determine
19 responsiveness.

20 I actually did, I think I did,
21 um, attempt to read it but once it was
22 getting very esoteric and I wasn't really
23 following a lot of the -- of the
24 pleadings, quite honestly.

25 Q. Did you tell anyone that you

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2 didn't understand the pleadings?

3 A. No, I didn't.

4 Q. Do you see at the top of this
5 page 31 it says "Questions?"

6 MR. KIRSCHENBAUM: That's a
7 statement.

8 Q. Do you see that?

9 A. I can see it says "Questions"
10 with a question mark.

11 Q. Did you ask anyone questions?

12 A. It doesn't say who to direct
13 any questions to, I mean obviously -- no,
14 this was not, I mean, it wasn't the, uh,
15 the document review didn't require
16 knowledge of these documents.

17 Q. Why were you given these
18 documents?

19 MR. KIRSCHENBAUM: Objection.

20 A. I guess you guys would know
21 that. I'm not sure.

22 Q. What is your understanding of
23 why you were given these documents?

24 A. Obviously my understanding was
25 to -- just to have a background on the

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2 the Quinn Emanuel, but he made it very
3 clear any issue, any questions, just go
4 to him.

5 Q. Well, the training document,
6 Exhibit 5, on page 2 lists everyone's
7 telephone number and e-mail address at
8 Quinn Emanuel; right?

9 A. Uh, it does state that there,
10 yeah.

11 Q. So despite there being only one
12 bathroom, you could have called or
13 e-mailed any of the people on this list;
14 right?

15 A. We weren't -- it doesn't even
16 say who to call. I mean, there's like so
17 many attorneys there. It just seems
18 that's, um, CYA. It doesn't seem to me
19 like a reasonable, uh, um, support
20 network there that would come and try to
21 avail themselves to us.

22 Q. It was Andrew Kutscher who was
23 standing in front of you --

24 A. For the training, yeah. I
25 guess when he was there I could have but

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2 I didn't really know what to ask even.

3 Q. Once you got the documents
4 listed on page 31 you could have read
5 them and then asked questions; right?

6 A. We were never, as I stated,
7 since there was no way -- there was not
8 really -- there didn't seem to be a care
9 or concern whether we were reviewing
10 things correctly, um, people didn't feel
11 obligated to, uh, and then plus there was
12 the pressure, I add to that there was the
13 pressure to plug through a certain number
14 of documents and people that weren't
15 would get questions from Kush Bambrah,
16 excuse me, you know, you were supposed to
17 do a thousand documents today, you only
18 did 500. People were scared probably to
19 ask questions.

20 MR. KIRSCHENBAUM: While you
21 confer with your colleague I'm going
22 to confer with my client for a
23 second.

24 MR. GREENWALD: I'm not
25 conferring with my colleague.

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2 A. I'm talking about the training
3 materials.

4 Q. Page 21 is the chart; right?

5 MR. KIRSCHENBAUM: Just let him
6 answer the question.

7 A. It's one of the charts, many
8 charts that we got and there were other
9 materials that we got. This was not all
10 the training materials. There were
11 several other lists of names and
12 [REDACTED] and families, many like
13 voluminous lists that we would have to
14 reference when tagging responsiveness,
15 this was only the first one we got of
16 many.

17 Q. But you were never told not to
18 follow the tagging instructions on page
19 21 of Exhibit 5?

20 MR. KIRSCHENBAUM: Objection.
21 Asked and answered.

22 A. No, I mean.

23 MR. KIRSCHENBAUM: I want to
24 point out for the record that Mr.
25 Greenwald has literally been asking

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2 the same questions like five to ten
3 times over the course of the
4 deposition.

5 THE WITNESS: You'll have to
6 ask it again or repeat it.

7 (The requested portion of the
8 record was read.)

9 A. Not by any staff supervisors,
10 no.

11 Q. By anyone, right, you were not
12 told not to follow by anyone?

13 MR. GREENWALD: Strike that.
14 Too many negatives.

15 A. The time constraints we were
16 given rendered it impossible to -- to,
17 uh, to review documents to determine
18 whether any of these sub-tags applied.

19 Q. Let's talk about the time
20 constraints, what time constraints were
21 you under?

22 A. In the beginning, I know that
23 it came to a point within a week or two
24 that they wanted us doing something like
25 a document per minute, between five and

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2 what he is been marked as exhibits 8

3 and 9.

4 Q. Do you recognize these two
5 documents?

6 A. Eight I definitely recognize
7 and I do recall referring to it and, 9 --
8 9 is more vague. It's -- I guess I may
9 have received it but I don't think it was
10 something I referred to as extensively as
11 8 and especially, you know, the main
12 packet, 5.

13 Q. And did you follow this doc
14 review guidance in Exhibit 8 when you
15 were doing your review?

16 A. To the best of my ability.

17 MR. KIRSCHENBAUM: I'm just
18 going to note for the record that the
19 Plaintiff has not been given enough
20 time to read the entire document.

21 Q. Do you need more time?

22 A. No, that's okay. That's fine.

23 Q. Do you see that page 4 of
24 Exhibit 8 refers to confidentiality?

25 A. Page 4, confidentiality. Okay?

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2 Q. And did you understand that one
3 of your roles was to determine whether or
4 not to keep the confidentiality
5 designation on the documents?

6 A. Based on what this says, yeah.
7 This was never -- see, we would get
8 these -- these packets, but they were
9 never explained and part of education is
10 to require the purveyor of the -- of the
11 materials to explain, that's how I was
12 educated in college and law school,
13 otherwise we would just buy a bunch of
14 law books and become attorneys, which is
15 not possible.

16 Q. Did you not understand the
17 instructions?

18 A. We definitely -- I mean I was
19 definitely able to understand to the
20 extent of my reading it but these are
21 things that would have required expert
22 clarification and instruction and we
23 didn't get that.

24 (Counsel and witness confer off
25 the record.)

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2 MS. SUTTON: They did consult
3 for the record.

4 THE WITNESS: No, actually,
5 there was nothing said in my hearing
6 comprehensibly.

7 MS. SUTTON: I don't understand
8 what it means if you are going to
9 speak and then he says it's not
10 consulting because it's not
11 comprehensive.

12 THE WITNESS: It's not
13 comprehensible. He whispered
14 something and I didn't hear it and I
15 said do you want to consult and he
16 said no.

17 CONTINUED EXAMINATION BY MR. GREENWALD:

18 Q. Let's move on, page 3 of
19 Exhibit 8.

20 A. Okay.

21 Q. Refers to something called the
22 deliberative process privilege.

23 Do you see that?

24 A. Yes.

25 Wait, um, page 3, deliberative,

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2 yes, deliberative process, okay.

3 Q. What is that?

4 A. Your guess is as good as mine.

5 Q. You were instructed on it.

6 A. No, I wasn't; I was given this
7 document, I wasn't instructed.

8 Q. You were given this document
9 that described the deliberative process
10 privilege; right?

11 A. Yes.

12 Q. And it uses English to describe
13 what the deliberative process privilege
14 is; right?

15 A. I mean it attempts to explain
16 it, doesn't mean that someone without
17 extensive training or education in this
18 field, in this specialty would understand
19 what it's talking about.

20 Q. Somebody like a lawyer?

21 A. No, someone in the banking
22 industry.

23 Q. And so you just ignored it
24 because you didn't understand it?

25 MR. KIRSCHENBAUM: Objection.

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2 Q. So you were asked to but it
3 wasn't explained at all and therefore you
4 didn't?

5 MR. KIRSCHENBAUM: Objection.

6 That's many, many questions in one.

7 MR. GREENWALD: You can answer
8 if you understand it.

9 A. I was asked to do what?

10 Q. You were asked to exercise your
11 judgment and determine whether things
12 fell within the deliberative process
13 privilege and but since it wasn't
14 explained well enough you just ignored
15 that?

16 MR. KIRSCHENBAUM: Objection.

17 A. I don't see judgment being used
18 here.

19 Q. It says "To qualify for the
20 deliberative process privilege the
21 communication must be 1, about policy, 2
22 pre-decision, and, 3, [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]"

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2 Do you see that?

3 A. I see it.

4 Q. You have to understand whether
5 a document would qualify under these
6 three criteria to know whether it falls
7 within the deliberative process
8 privilege; right?

9 A. It doesn't say understand, it
10 just says what it is.

11 Q. But it's telling you to tag it
12 as privileged if it falls within that;
13 right?

14 A. It doesn't explain anything, it
15 doesn't explain it.

16 Q. It doesn't explain it well
17 enough, it attempts to explain it; right?

18 MR. KIRSCHENBAUM: Objection.

19 A. Poorly attempts to.

20 Q. And you never asked anyone to
21 further explain it, did you?

22 A. There was no time.

23 Q. Your bosses expected you to be
24 doing what they asked you to do; right?

25 MR. KIRSCHENBAUM: Objection.

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2 A. If I wasn't doing it, if I was
3 doing it incorrectly I would have -- I
4 would have hoped that someone would have
5 said something and no one did.

6 Q. But you were clearly asked to
7 do this; right?

8 A. Um, this says liberally, so I
9 guess that means that if you are not
10 doing it it falls under the definition of
11 liberal; right? It doesn't say you must
12 use it.

13 Q. You were asked to do this,
14 right, apply this deliberative process
15 privilege?

16 A. By this information here it
17 seems that it should be, it says should
18 apply privilege tagging liberally, you
19 know, like when I'm putting salt on my
20 meal I could put nothing or I could put
21 tons of it, that's my understanding of
22 liberal.

23 Q. Yes or no, you were asked to
24 review to determine whether documents
25 contained the deliberative privilege

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2 process?

3 A. By this document, asked by this
4 document.

5 Q. So that's a yes?

6 A. It's hard for me to say yes
7 because I was the one there and no one
8 got up and said you should be doing this.

9 MR. KIRSCHENBAUM: I think my
10 client is trying to answer the
11 question to the best of his ability.
12 You are just not getting what you
13 want.

14 Q. They just wrote it down?

15 A. Yes.

16 Q. Why don't you take a look at
17 the exhibit marked as Exhibit 9.

18 A. Oh, sure, okay.

19 Q. Which was already given to you.

20 A. Okay.

21 Q. And these were also
22 instructions given to you; correct?

23 A. Review, it says review protocol
24 updates and changes, which includes
25 instructions, yeah.

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2 matter for our case, in fact it might
3 help my case because I really don't. I
4 don't remember.

5 Q. You just have no idea if this
6 would -- when you were actually reviewing
7 documents -- be an easy instruction to
8 follow or require reading the entire
9 document analyzing it?

10 MR. KIRSCHENBAUM: Objection.

11 He asked and answered the question
12 and now you are attempting to argue
13 with him.

14 A. From what I remember this is
15 one of the easiest instructions they gave
16 because it was all involving one man.

17 As you can see, many of the
18 other things are vague and elusive.

19 Q. So the other things required
20 more judgment?

21 MR. KIRSCHENBAUM: Objection.

22 A. Not judgment, you just have to
23 keep looking through piles of lists and
24 charts.

25 Q. Turn to page 2, which is still

1 HENIG - PRIVILEGED - CONFIDENTIAL
2 the top half is still regarding first
3 level reviewers; do you see that?

4 A. Yes.

5 Q. Under privilege it says "Use
6 discretion marking documents Privileged."
7 Do you see that?

8 A. Yes, I do is.

9 Q. And do you recall receiving
10 that instruction?

11 A. Quite frankly, I don't recall.

12 Q. Now, what does the word
13 "discretion" mean?

14 A. Uh, I don't have a dictionary
15 handing. Discretion, my understanding of
16 discretion is using your own individual
17 judgment, but that's only for the
18 purposes of defining it not what I
19 actually did while I was reviewing
20 documents.

21 Q. But you would agree you were
22 instructed in writing to use your own
23 individual judgment?

24 MR. KIRSCHENBAUM: Objection.

25 A. I don't know if they really --

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2 if we really had to use our own judgment
3 they shouldn't have to tell us that, it
4 just proves that we were doing these by
5 rote.

6 Q. Do you agree that you were
7 instructed in writing to use your own
8 individual judgment, yes or no?

9 A. I agree I received this
10 document and it contains that instruction
11 even though honestly, as I said, I don't
12 -- really don't remember this document
13 too much but I'm not going to dispute
14 receiving it. I assume that I did, that
15 you are telling the truth.

16 THE WITNESS: Could I just ask
17 off the record, is there a lunch
18 break?

19 MR. GREENWALD: I was hoping to
20 not go all day.

21 Let's go off the record.

22 [Discussion held off the
23 record.]

24 MR. GREENWALD: Please mark
25 this as Exhibit 10.

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2 instructions you were getting were to use
3 your judgment and look for the full
4 context?

5 MR. KIRSCHENBAUM: Objection.

6 A. No, because the instructions
7 were just a bunch of terms.

8 Q. Didn't you just receive an
9 instruction from Ms. [REDACTED] right here in
10 Exhibit 10?

11 A. Right and its terms and she
12 even calls it a list, players term list.

13 Q. And then at the bottom she
14 says, "As always, you have to look for
15 full context"; right?

16 A. She writes that.

17 Q. That's an instruction; right?

18 A. If you want to call it that,
19 you know, anything coming from someone
20 overseeing a job and telling you to do
21 something would fall under the category
22 of instruction.

23 Q. And the instruction in writing
24 is to use your judgment and look for
25 context; right?

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2 MR. KIRSCHENBAUM: Objection.

3 A. It says look for full context.

4 Q. And to do that you need to
5 exercise judgment; right?

6 A. Um, in this project we did not
7 really have to do that.

8 Q. My question is what is the
9 instruction, not what you actually did.

10 A. Um, I mean right, because I
11 mean there could be something that's like
12 some flyer saying [REDACTED] that you know,
13 some [REDACTED] is looking at,
14 obviously that's not relevant so, yeah,
15 you do have to look.

16 When you're crossing the street
17 you gotta look at a street sign.
18 Anything, any cognitive functioning
19 requires some sort of human judgment and
20 use of your -- of your neurons.

21 MR. GREENWALD: Please mark
22 this as Exhibit 11.

23 (Whereupon, the above-mentioned
24 document bearing Bates number
25 QE00211211 was marked Exhibit 11 for

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2 and say lawyer privileged; right?

3 A. Um, I mean that's a
4 hypothetical question because I never
5 encountered her. Based on what, I mean
6 [REDACTED] is saying that not
7 everything she did will be -- will be
8 privileged because she's not, even though
9 she is on the list some things she's not
10 doing is privileged.

11 Q. And she's telling you to read
12 the documents carefully; right?

13 A. Yes.

14 Q. And if a batch that you were
15 reviewing came up with [REDACTED]
16 documents you'd have to read them
17 carefully and determine whether or not to
18 tag them as privileged; right?

19 A. That's what it would -- that's
20 what it's saying.

21 Q. Doesn't that require judgment?

22 A. Not extensive.

23 Q. Some?

24 A. I mean it doesn't necessarily
25 require the judgment of an attorney, um,

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2 to determine.

3 Q. Whose judgment would it
4 require?

5 A. It would require, I mean anyone
6 could see what she's talking about,
7 anyone who could read.

8 Q. You did go to law school;
9 right?

10 A. I stated that, yeah.

11 Q. And you studied legal
12 professional responsibility at law
13 school; right?

14 A. Yeah.

15 Q. Learned about the
16 attorney-client privilege; right?

17 A. Yes.

18 Q. So you are particularly trained
19 in attorney-client privilege; right?

20 A. Yes.

21 Q. So you would have more training
22 than someone who didn't go to law school
23 regarding whether or not the
24 communication was privileged; right?

25 A. Um, obviously, yes.

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2 stating that for the record or are
3 you asking him?

4 MR. GREENWALD: Well, I'm
5 stating it for the record right now.

6 MR. KIRSCHENBAUM: Okay.

7 Q. And that you wrote on the tag
8 "Looks like this could be A/C but not
9 sure of the source," and the reason I
10 have the laptop here is because if you
11 want we can go to the spreadsheet with
12 all your coding decision.

13 A. Oh, wow.

14 Q. And connect it to this document
15 if you would like or we can just move
16 forward.

17 So if you would like me to take
18 you through that then I can do that, or
19 you can take my representation that you
20 coded this "looks like" what did I say,
21 "Looks like this could be A/C but not
22 sure of the source"?

23 A. Yeah, because it says
24 confidential on it so there is a trigger
25 word there.

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2 Q. So you saw the word

3 "confidential."

4 A. Right.

5 Q. And you, but then you didn't

6 see a lawyer's name on it; right?

7 A. Exactly.

8 Q. And so you thought, hmm, I'd

9 better -- I'd better indicate my thought
10 process; right?

11 MR. KIRSCHENBAUM: Objection.

12 A. As briefly as I did.

13 Q. Why didn't you just mark it
14 privileged and have the privileged review
15 team do it?

16 MR. KIRSCHENBAUM: Objection.

17 That's two questions.

18 A. What did I tag it as? I don't
19 remember, obviously.

20 Q. The question is why did you put
21 a note in your tag.

22 A. Uh, because I probably -- I
23 mean, okay, I'd have to see what I tagged
24 it as to answer your question.

25 Q. Why?

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2 Bates numbers produced in this
3 lawsuit.

4 CONTINUED EXAMINATION BY MR. GREENWALD:

5 Q. So, again, there is no attorney
6 name anywhere in Exhibit 13; right?

7 A. No, there is not.

8 MR. GREENWALD: Please mark
9 this as Exhibit 14.

10 (Whereupon, the above-mentioned
11 document bearing Bates number
12 QE00125710 - 722 was marked Exhibit
13 14 for identification.)

14 CONTINUED EXAMINATION BY MR. GREENWALD:

15 Q. Now, Mr. Henig, remember I
16 asked you about the deliberative process
17 privilege?

18 A. Yes.

19 Q. And you said you found it very
20 confusing, the instruction?

21 A. Yes.

22 Q. And yet you marked some
23 documents deliberative process privilege,
24 didn't you?

25 A. Um, possibly.

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2 this as Exhibit 15.

3 (Whereupon, the above-mentioned
4 document bearing Bates number
5 QE00034644 - 645 was marked Exhibit
6 15 for identification.)

7 MS. SUTTON: I can show you on
8 the screen via the spreadsheet or I
9 can also make a representation
10 regarding the coding on that.

11 Do you want me to do that
12 now, Marc?

13 MR. GREENWALD: This is Exhibit
14 15.

15 THE WITNESS: What was 14?

16 MR. GREENWALD: 14 was the one
17 that was deliberative process.

18 Showing you what has been
19 marked as Exhibit 15.

20 THE WITNESS: Okay.

21 MR. GREENWALD: Which is a
22 document you coded as key, which Ms.
23 Sutton can stand up and show you on
24 the spreadsheet the coding.

25 THE WITNESS: Okay.

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2 MR. GREENWALD: Or you can
3 accept the representation, whichever
4 you prefer.

5 THE WITNESS: Well, I really
6 don't know why. Honestly, I don't
7 know why I put key.

8 There were a few times when I
9 may have clicked on extra buttons,
10 I'll be honest but, um.

11 Q. What do you mean by "may have
12 clicked on extra buttons"?

13 A. Okay. This case I saw [REDACTED]
14 [REDACTED], who my understanding is some big
15 wig -- big wig at the [REDACTED], and this
16 appeared to me to be a very internal,
17 very strongly worded e-mail, just I was
18 extremely disappointed to read, this guy
19 seemed pretty angry. This didn't seem
20 like something that should be buried.

21 Q. And you recalled the
22 instructions that one percent of the
23 documents should be marked key; right?

24 A. Um.

25 MR. KIRSCHENBAUM: Objection.

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2 during the six weeks you worked on this
3 project?

4 A. Okay, I really, they're pretty
5 nice guys, I forgot their names. Um,
6 there was a guy with a, um, I'm sorry, I
7 just don't remember their names.

8 They were nice people. They
9 weren't that helpful but they were nice.
10 I just don't remember their names, I'm
11 sorry. I just remember Kush Bambrah.

12 I remember some of my
13 co-workers. Um, but there could have
14 been a guy named I think it was like a
15 French or Portuguese name, I'm sorry, I'd
16 have to think about it.

17 Q. Okay.

18 And did anyone tell you
19 specifically not to follow the written
20 instructions you had been given?

21 A. No one said not to follow the
22 instructions, no.

23 Q. So you were terminated in
24 October 2012; correct?

25 A. Yes.

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2 It was the Quinn Emanuel --
3 what's called the Quinn Emanuel team.

4 Q. Just for the record what
5 document are you looking at?

6 A. I am looking at Exhibit 5,
7 page 2.

8 Q. Thank you.

9 A. And I believe, actually no,
10 wait, these people were not involved with
11 our project, they were in the actual
12 litigation. They weren't -- I don't
13 believe they were supervising us.

14 I don't remember their names,
15 but there were active partners, there
16 were associates who supervised us, there
17 was like two or three of them.

18 Q. Now, paragraph 36 of your
19 Complaint says, "Plaintiff was not
20 required to and in fact could not utilize
21 any legal knowledge and/or judgment."

22 Do you see that?

23 A. Yes.

24 Q. Did somebody tell you not to
25 use any legal knowledge and/or judgment?

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2 A. No, I just didn't have to. It
3 wasn't on that level.

4 Q. You saw instructions to use
5 your discretion; right?

6 A. Um, in the written --

7 MR. KIRSCHENBAUM: Objection.
8 Go ahead.

9 A. In the packet I saw discretion,
10 I saw that phrase used.

11 Q. And you didn't understand that
12 to be an instruction to use legal
13 knowledge and/or judgment?

14 A. Um --

15 MR. KIRSCHENBAUM: Objection.

16 A. -- not at the time.

17 Q. Now do you understand that you
18 were being asked to use your legal
19 judgment and/or knowledge?

20 A. Not really, because -- no.

21 Q. Why not?

22 A. Because it wasn't -- the nature
23 of the work didn't require extensive
24 analysis or much of a thought process,
25 especially when there wasn't much of

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2 any -- any oversight and the triggers to
3 what to code the documents were very
4 almost each -- 99 percent of the time
5 were very clearly delineated on the face
6 of the document.

7 Q. And the deliberative process
8 privilege didn't require legal knowledge
9 or judgment?

10 A. Yeah, I mean that was just a
11 simple one, two, three, step process just
12 by identifying from the agency, which
13 was, as I said, based on the cover sheet
14 was an emblem and name and then it said
15 confidential in like bold letters and
16 then I just took a guess, I assumed two
17 out of three were there, I might as well
18 take a stab at it, that's deliberative
19 process.

20 Q. That's not using your
21 judgement?

22 A. No, any human being has
23 judgement. Does it require an attorney
24 to make that little simple judgement? In
25 my opinion, no.

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2 Q. But you agree you were using
3 your judgment?

4 A. Yes.

5 Q. You also in this version,
6 Exhibit 19, repeated the number of the --
7 the incorrect number of hours that you
8 worked; right?

9 A. This is the most recent Amended
10 Complaint?

11 Q. No, this is the one your lawyer
12 sent to the Court on June 23rd, Exhibit
13 19.

14 Do you see that?

15 A. Yes.

16 Q. Do you see that?

17 A. Yes.

18 What paragraph are you
19 referring to?

20 Q. Paragraph 39.

21 A. Let's see. It says I was
22 required to. Okay, required to work and
23 routinely worked.

24 So there were a few times I
25 believe, I mean maybe you are saying I

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2 as legal experience; right?

3 A. I did.

4 Q. And you represented to people
5 who you wanted to hire you that your six
6 weeks at Quinn Emanuel was legal
7 experience; right?

8 A. I used this resume for -- I
9 believe for our project, projects, so
10 yes.

11 Q. To work on other document
12 review projects?

13 A. I believe so, yes.

14 Q. So you still wanted to work on
15 document review projects even though you
16 found it so stultifyingly boring; right?

17 A. I did it with a very heavy
18 heart sending out these applications,
19 desperate times include desperate
20 measures.

21 Q. Including lying on the resume?

22 MR. KIRSCHENBAUM: Why are you
23 badgering my client for trying to
24 make 35 bucks an hour, Mr. Greenwald?

25 Q. Yes, including lying on your